IN THE SUPREME COURT

OF THE UNITED STATES

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SUPREME COURT, U.S.

STATE OF MISSISSIPPI,	)	
	)	
Appellant,	)	
	)	No. 82-540
v.	)	
	)	
WILLIAM FRENCH SMITH,	)	
	)	
Appellee.	)	

APPELLANT'S STATEMENT REGARDING STATUS OF THE CASE BELOW

Comes now the appellant, the State of Missippi, and by counsel offers the following statement regarding the status of the case below:

1. On April 7, 1982, the State of Mississippi filed a motion in the Court below asking that Mississippi v. Smith No. 82-0956, from which this interlocutory appeal is taken, be dismissed without prejudice.

2. The State was compelled to move for dismissal because of the expense of the litigation. Trial was to commence on April 18, 1983 and on April 7 this interlocutory appeal was still pending before the Court. Thus the State would have had to proceed to trial and attempt to prove that its legislatively-enacted Congressional redistricting plan, S.B. 2001, did not retrogress from the court-ordered plan implemented 10 months after the Legislature acted. It was apparent that the State could not prevail under the rule of law established by the district court, nor could it afford the expense of trying the case twice, were the district court's ruling overturned by this Court at a later date.

3. The district court's order setting forth the terms and conditions of dismissal without prejudice is attached.

Respectfully submitted,

Jerris Leonard

Jerris Leonard
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Suite 1020
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Counsel of Record for Appellants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

STATE OF MISSISSIPPI, Plaintiff, v. WILLIAM FRENCH SMITH, Defendant; HENRY J. KIRKSEY, ET AL., Intervening Defendants.	)	Civil Action No. 82-0956

FILED

APR 11 1983

JAMES F. DAVEY, Clerk

ORDER

Plaintiff's motion to dismiss without prejudice is granted subject to the following terms and conditions which the Court deems proper based on review of the record as a whole and in the light of comments of counsel in open court this day:

(1) This action shall be reinstated before this Court with the existing record intact (a) if plaintiff has first demonstrated to the satisfaction of this Court, after notice to the Attorney General and the intervening defendants, that there has been a significant change in relevant legal circumstances or in relevant facts underlying this action or (b) on motion by the Attorney General or by intervening defendants, after notice for good cause shown;

(2) The Attorney General may apply for costs and intervening defendants may file a claim for attorneys' fees

and costs on or before May 9, 1983, and plaintiff shall respond to such submissions no later than June 6, 1983.

SO ORDERED.

United States Circuit Judge

United States District Judge

United States District Judge

April 9th, 1983.

CERTIFICATE OF SERVICE

I, Kathleen Heenan, certify that I have mailed first-class this 27th day of April, 1983 true and correct copies of the foregoing Statement Regarding Status of the Case Below to the following:

The Honorable Rex Lee
Solicitor General of the United States
10th and Constitution Avenue, N.W. #5143
Washington, D.C. 20530

Mr. Paul Hancock
Voting Rights Section
United States Department of Justice
320 First Street, N.W.
Washington, D.C. 20530

Mr. Frank Parker
Lawyers Committee for Civil Rights Under Law
733 15th Street, N.W., Suite 520
Washington, D.C. 20005

Kathleen Heenan